

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 4 and 8-10 have been amended for clarity.

The Examiner has finally rejected claims 4-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,397,388 to Allen.

Applicants traverse the above rejection and offer the following explanation.

The Allen patent discloses systems and devices for audio capture and communication during television broadcasts, in which a remote control 204 sends remote control signals to a set-top box 102 for controlling signals sent by the set-top box 102 to a television receiver 202 connected thereto. The remote control 204 contains a microphone 208 (indicated as 209 in Fig. 2) for capturing sound wave and generating an analog or digital audio signal. The microphone 208 is controlled by a switch 206 which toggles operation of the microphone 208. The remote control 204 includes a transmitter 210 for transmitting the control signals as well as the audio signal to the set-top box 102. The set-top box 102 includes a receiver 212 for receiving the signals from the transmitter 210 and a converter 214 for converting the audio information (i.e., the audio signal) into a digital audio stream compatible for transmission over the network 100, i.e., a cable

system for reception by the appropriate set-top box in the network. The set-top box 102 may optionally contain an additional microphone (208 in Fig. 5) for additionally or alternatively capturing audio signals. To that end, the switch 206 on the remote control 204 alternatively controls the microphone on the set-top box 102 as well as the self-contained microphone.

The subject invention relates to a system including an apparatus and a remote control for controlling the apparatus. The system comprises a speech processor for processing speech commands, a microphone arranged on the remote control for enabling a user of the remote control to input the speech commands, a further microphone for enabling further users of the system to input speech commands, and input designation means for enabling the user to selectively designate which of the microphone and the further microphone is to be used as a signal source to the speech processor.

As indicated in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v.*

Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that Allen teaches "an inherent speech processor for processing speech commands (col. 4 lines 34-40)".

Applicants submit that the Examiner is mistaken. In order for there to be inherency, there must be some suggestion of the limitation in the reference. Applicants urge that such a suggestion is non-existent in Allen. In particular, Allen states, at col. 4, lines 34-40:

"In the illustrated embodiment, the remote control 204 includes a microphone 208 for capturing sound waves and generating an analog or digital audio signal. The microphone 208 is in electrical communication with a microphone button 206, which toggles operation of the microphone 208 in one implementation. The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202."

Applicants submit that the only suggestion in the above passage is that the remote control includes means operated by the additional buttons for generating control signals for controlling the STB 102 and the television 202.

As described in Allen at col. 1, lines 28-56, the watching of some television programs is a communal event and it is desirable to converse with other viewers during the broadcast of the program. However, when the viewers are in different locations, it may not be convenient to conduct a teleconference during the program.

Allen then describes, at col. 1, line 66 to col. 2, line 37, that the system of the invention provides an alternate communication system in which audio information is captured by a microphone in one room, sent to the corresponding set-top box, and transmitted via the network to a set-top box at another location for reproduction by a connected television receiver.

This function of the system of Allen is described in detail at col. 4, line 17 through col. 10, line 6. Nowhere in Allen is there any suggestion that the audio information being captured by the microphone is speech control information for controlling functions of the set-top box and/or the television.

In the current Office Action, the Examiner states "Allen (6,397,3887) does inherently teach a speech processor, col. 4, lines 34-40 (speech processing is the conversion from sound into electrical impulses, thus inherently needs a processor via DSP or some analog to digital formatting to process sound/speech)." The Examiner further states "Allen does teach that the audio information being captured by the microphone is speech-controlled information for controlling functions of the set-top box and/or television, col. 4, lines 34-45; col. 7, lines 62-67 and col. 8, lines 1-5 (Allen's remote control has a microphone, which is used for picking up speech signals, and the remote, which has a microphone, can be activated to control the STB, thus, if the remote, which is speech activated, controls the STB, the person

speaking into the microphone, as long as the microphone is activated, will be controlling the STB)."

Applicants believe that the Examiner is using a flawed definition of "speech processor". However, in the spirit of moving along the prosecution of this application, Applicants have amended the claims to indicate the limitation "a speech processor for processing speech commands for controlling said apparatus in accordance with said speech commands". It should be clear now that speech processing is not merely "the conversion from sound into electrical impulses, thus inherently needs a processor via DSP or some analog to digital formatting to process sound/speech", as suggested by the Examiner, but rather, is the processing of speech commands for controlling the apparatus in accordance with the speech commands.

The Examiner has gone through great pains to attempt to show that Allen contemplates speech control of the set-top box. However, these efforts are erroneous. In particular, the sections of Allen noted by the Examiner are as follows:

Col. 4, lines 34-45:

"In the illustrated embodiment, the remote control 204 includes a microphone 208 for capturing sound waves and generating an analog or digital audio signal. The microphone 208 is in electrical communication with a microphone button 206, which toggles operation of the microphone 208 in one implementation. The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202. As used herein, the term "button"

contemplates other types of controls, such as switches and the like. In addition, multiple buttons or controls may be provided for activating and deactivating the microphone 208."

and col. 7, lines 62-67 and col. 8, lines 1-5:

"In yet another alternative embodiment, the remote control 504 and the STB 502 may both be configured with a microphone 208. This would allow a user to select between a microphone 208 disposed locally on the remote control 504 and a microphone 208 disposed remotely on the STB 102. Thus, a user may conveniently switch between a microphone 208 at a fixed location and a remote-mounted microphone 208 that is highly mobile. In one embodiment, the "switch" button 410 of FIG. 4 may be used for this purpose."

It should be apparent from the above that Allen does not show or suggest that the microphone is for receiving speech commands and that these commands are used for controlling the STB or television. Rather, Allen specifically states "The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202."


The Examiner may then question why would Allen include the microphone on the remote control if not to transmit speech commands for controlling the STB and television. Allen answers this query at col. 1, lines 57-60: "Thus, it would be an advancement in the art to provide a convenient technique for conversing during a television broadcast with one or more other viewers at remote physical locations." Further, at col. 3, lines 3-4, Allen states "Embodiments of systems and devices for audio capture and communication are described herein." Finally, Fig. 8 shows a

flowchart of "a method for audio capture and communication" which is described in Allen at col. 8, line 6 to col. 9, line 30. It should thus be apparent that the microphones are for establishing communication between the user at one location and another user at a second location. There is no disclosure of the speech being captured by the microphones being used to control the STB and/or television.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by Allen, and as such, is patentable thereover.

Applicants believe that this application, containing claims 4-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by 
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